

# Everglades Reporter

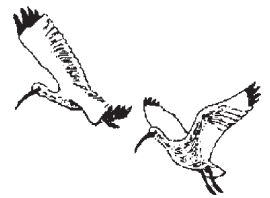
Published by

*Friends of the Everglades*

Fall 2008

Editor: Karen Mashburn

## Friends Wins Our Third Major Case in Federal Court



By John Childe, special counsel for Everglades Litigation Strategy

The Federal District Court in Miami, in an Opinion issued on July 25, 2008, has declared unlawful the State's weak Long Term Plan for water quality compliance in the Everglades, as well as the new numeric standard for phosphorus.

This decision is the culmination of over 14 years of litigation by Friends and the Tribe, challenging the State of Florida and the South Florida Water Management District's (SFWMD) legislative plan for water quality restoration for the Everglades. The consoli-

***"The Florida Legislature has violated its fundamental commitment and promise to protect the Everglades."***

dated cases were brought by Friends and the Miccosukee Tribe against the U.S. EPA, the State of Florida, and the major Sugar Interests of the FANHUL Group. The decision is critical toward reaching our goal of getting real water quality restoration for the Everglades.

Judge Gold found that, "The Florida Legislature has violated its fundamental commitment and promise to protect the Everglades. By adopting the District's (2003) Long Term Plan, the Florida Legislature has changed water quality standards and violated its own compliance deadline for meeting the phosphorus

criterion for at least 10 more years."

In dealing with the State of Florida's new numeric standard for phosphorus Judge Gold found that, "The phosphorus rule is layered with avoidance mechanisms that are linked together to excuse noncompliance."

This decision is critical to Friends' two other major cases: The "S-2, S-3" case dealing with illegal discharges by the South Florida Water Management District into Lake Okeechobee; and the "S-9" case dealing with illegal discharges into the Everglades from the urban area around the City of Weston. Without the recent Judge Gold decision, the District would get a permit that would not require compliance with any water quality standards.

All of Friends' cases are now currently under appeal. The good news is that the quality of the lower court decisions is high, and chances for prevailing are strong!

**Please consider Friends of the Everglades when planning your end-of-year charitable contributions this year. Thank you and Happy Holidays!**

# Kickoff Luncheon at the Biltmore for Gala for the Glades a Big Success

By Alan Farago

**A new organization, 'The Marjory Stoneman Douglas Circle of Friends' has been created and will sponsor a Gala for the Glades in November 2009.**

On November 14th, Friends of the Everglades sponsored a luncheon at the Biltmore Hotel to kick off a new effort to broaden the audience in South Florida for the Everglades.

Called, "The Marjory Stoneman Douglas Circle of Friends", what we aim to do is to increase the number of stewards for the Everglades, through an event driven guild for the Everglades among Miami's diverse communities. Under the same banner, a number of Friends members, including Friends' vice president Juanita Greene, have been working assiduously to protect and preserve Marjory's house in Coconut Grove

But the Biltmore event was of a different order: to generate more support for the work of Friends of the Everglades; helping to strengthen the organization and to fund its programs, including education, outreach, and the watchdog capacity that is so critical at this time.

Like any small nonprofit, Friends depends on a steady stream of contributions to fund its operations. It is hoped that the Marjory Stoneman Douglas Circle of Friends will lead to both more involvement by our communities and, also, a more secure financial footing for our organization.

Luncheon guests at the Biltmore included community leaders from Miami and Naples, and public officials; Congresswoman Ileana Ros Lehtinen, Miami Dade County Commis-

sioner Katy Sorenson, Pinecrest Mayor Cindy Lerner and Carlos Alvarez, Mayor of Miami-Dade County.



*Friends Board Member Jim Kushlan and Commissioner Katy Sorenson*

The keynote speaker for the luncheon was Michael Grunwald. Mr. Grunwald is a senior correspondent for Time Magazine and author of the highly acclaimed book about the Everglades entitled, "The Swamp". During his remarks, Mr. Grunwald noted that Friends of the Everglades, through its insistence on water quality, has played a dynamic and crucial role in the government effort known as the Comprehensive Everglades Restoration Plan; that will cost more than \$15 billion and take many decades to complete.

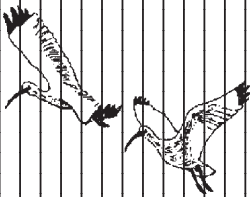
At the luncheon, guests were encouraged to lend a hand to a much larger event planned for 2009, by the Marjory Stoneman Douglas Circle of Friends. Milda Vaivada, Jim Kushlan and Karen Mashburn have contributed, as board members, many hours to the project and sponsored tables to the luncheon. If any Friends' members are interested to help with the organization and outreach for the 2009 event, please contact Madelyn Mateo, Administrative Director, at 305-669-0858 or by email at eglades@bellsouth.net.

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# Friends Brings New Suit against U.S. EPA

By John Childe, special counsel for Friends' Everglades Litigation Strategy

Friends has taken the lead in two new cases against the Environmental Protection Agency (EPA). In both the Federal District Court in Miami and the Eleventh Circuit Court of Appeals in Atlanta, Georgia, Friends has filed challenges against the EPA Water Transfer Rule.

The Water Transfer Rule was created by the current EPA Administration to try to defeat the two cases Friends and the Tribe have already won in Federal Court. These cases hold that the South Florida Water Management District's discharges, backpumping into Lake Okeechobee from the Sugar Farms to the south, (the S-2 and S-3 Pump Stations), and into the Everglades from the newly developed areas in western Broward County, (the S-9 Pump Station), are in violation of the Federal Clean Water Act.



These decisions have taken the Clean Water Act beyond where EPA has been willing to go by establishing that the Clean Water Act regulates discharges from industrial, municipal and commercial treatment systems, but to any discharges that are not specifically exempted by Congress.

It was necessary for Friends to file suit both in the District Court and the Court of Appeals because the law is not clear as to exactly where a challenge for this type of rule must be made.

Friends has been joined in its challenge by the Miccosukee Tribe and the Florida Wildlife Federation, two environmental law centers in New York and California, the State of Pennsylvania, and a group of nine other states and a Province in Canada. EPA has been joined by the South Florida Water Management District and numerous other water management districts.

## Friends welcomes Madelyn Mateo as our new Administrative Director

We are pleased to announce that Madelyn has joined the staff of Friends of the Everglades. We are looking forward to a successful and rewarding relationship with this talented and knowledgeable person. We have asked her to write about herself to introduce her to our members.

Hello to all of you Everglades Ecosystem Admirers! I am the new Administrative Director of Friends of the Everglades. I am a Miami Native, born and raised in the midst of the historic Everglades. At the age of 15 I decided to explore the unique natural environment of the Everglades, and soak it up as much as possible. I knew that I would one day be able to communicate my fondness for this environment to the world.

I grew from a naturalist at the Miami Dade College Environmental Center, and studied and received a BS in Environmental Studies from Florida International University. Working with Dr. Michael McClain inspired me on the importance of water quality and quantity internationally. While working at the Biscayne Nature Center I explored the wonders of

non-profit organizations and environmental education and worked with Miami-Dade County Public Schools and Miami-Dade County Parks and Recreation.

I am now honored to continue to be a defender of my home-town natural environment, the unique and only Everglades in the world, in the footsteps of Marjory Stoneman Douglas. I look forward to expanding the awareness of the importance of the mission of Friends of the Everglades.

I just love the dynamics of this unique meandering aquatic basin, endless "Big Water" lake, sweet agriculture, inspiring national parks, luscious coastal communities, and the endless cultural diversity of the City of Miami. I invite you to share this vision of our Everglades Ecosystem with us.

Cheers,  
Madelyn Mateo

# A Message from the President



David P. Reiner, II

Dear Members and Friends,  
On November 12, 2008, on the lawn in front of Marjory Stoneman Douglas's cottage in Coconut Grove, Florida Governor Charlie Crist laid out the details of his historic plan to purchase nearly 187,000 acres of US Sugar property in the Everglades Agricultural Area (EAA). The final details are being

hashed out now by the South Florida Water Management District (SFWMD) Governing Board. A key critical detail is that Sugar production will not cease on this land for at least 6 to 10 years. To be clear, the proposed removal of nearly half of the industry which has for decades polluted and destroyed the Everglades ecosystem is a huge step forward. Sugar farming south of Lake Okeechobee has been a major source of pollution and the major water management stress on the rest of the system. But pollution loading in the Everglades occurs every day.

The South Florida Water Management District's own estimate is that 2 acres of Everglades are lost to pollution-generated cattail expansion each and every day. Abnormal water levels – either too much or too little – are altering critical habitat each and every day. Fresh water is discharged to sea and the residents of South Florida are under water-use restrictions each and every day. These are problems which must be solved now – not ten years from now.

In 1993, while most national environmental groups were applauding the State Everglades Forever Act (EFA) as the cure for the Everglades ills, Marjory Stoneman Douglas was so critical of the Act's proposed 13 year deadline for polluters to stop polluting that she demanded her name be removed from the title. In 2000, while nearly every environmental group was applauding the passage of the Federal Compre-

hensive Everglades Restoration Plan (CERP), Friends of the Everglades objected to the Plan's proposed 30 year timeline for completion of any restoration projects.

Today, all other environmental groups, once again, appear ready to shutter current critically necessary and accelerated short term projects on the hope that the US Sugar buyout will recreate Everglades' restoration 10 or 15 years from now. Though we are grateful and have high hopes for Governor Crist's initiative, report after report, year after year, by the US EPA, the National Academy of Sciences and even the SFWMD have found that pollution levels in Everglades' soils are continuing to rise uncontrollably. What is clear is that press conferences, photo-ops and promises are not saving the Everglades. We need action now.

Friends of the Everglades is pushing hard on all fronts to keep critical restoration projects necessary for the short term moving forward. Our biggest handicap in this struggle is that, again, we are receiving no support from other groups. We have always been the small local under-funded grassroots organization swimming in a sea of well-funded or National environmental organizations with their own priorities. This situation has to change if we are to make any significant progress beyond our extremely successful litigation efforts. In the past we have fundraised to maintain litigation but now we must look for support, in the seeming absence of any from the rest of the environmental community, to educate and advocate for immediate action by the state and federal government to stop the pollution today so that in 10 or 15 years there is an Everglades worth saving. The Everglades will always have a voice as long as we have your support. Your donations, large and small do make a difference.

Thank you.  
David P. Reiner, II, President



Founded in 1969 by Marjory Stoneman Douglas

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